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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 (OAKLAND DIVISION)
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12 PAULA LABRIE, ALFREDO MACIAS,
13 PETER MILLMAN, TOM CHORTABTIM,
RAF SISON,

14 Plaintiffs,

15 vs.

16 UPS SUPPLY CHAIN SOLUTIONS, INC.,

17 Defendant.
18

CASE NO. 4:08-CV-03182 PJH

**[PROPOSED] ORDER RE: PLAINTIFFS’
UNOPPOSED MOTION FOR ORDER
AWARDING: (1) REASONABLE
ATTORNEY FEES & LITIGATION COSTS
TO CLASS COUNSEL; (2) CLASS
REPRESENTATIVE INCENTIVE AWARDS;
(3) PAYMENT TO THE LABOR &
WORKFORCE DEVELOPMENT AGENCY;
AND (4) CLAIMS ADMINISTRATION FEES
TO CPT GROUP, INC.**

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20 On March 10, 2010, a hearing was held on the Plaintiffs’ Unopposed Motion For Order
21 Awarding: (1) Reasonable Attorney Fees & Litigation Costs To Class Counsel; (2) Class
22 Representative Incentive Awards; (3) Payment To The Labor & Workforce Development
23 Agency; And (4) Claims Administration Fees To CPT Group, Inc. Lynn R. Faris of Leonard
24 Carder, LLP appeared for the Plaintiffs; and Robert P. Kristoff and Zachary P. Hutton of Paul,
25 Hastings, Janofsky & Walker LLP appeared for UPS SCS.

26 The Parties have submitted their Settlement, which this Court preliminarily approved by
27 its December 4, 2009, order (Docket No.136) (the “Preliminary Approval Order”). In accordance
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1 with the Preliminary Approval Order, Plaintiffs filed the instant motion, after notice was given to
2 all class members regarding the Plaintiffs' of requests regarding an award of attorneys fees and
3 litigation costs and the class representative incentive awards, and payments to the California
4 Labor & Workforce Development Agency (LWDA) and CPT Group, Inc. for settlement
5 administration. No class member has filed any objection or comment regarding these proposed
6 amounts.

7 Having received and considered the Settlement, the supporting papers filed by the
8 Plaintiffs, and the evidence and argument received by the Court at the hearing, the Court enters
9 this Order, and HEREBY ORDERS and MAKES DETERMINATIONS as follows:

10 1. Pursuant to this Court's Preliminary Approval Order, all class members were
11 mailed the court-approved order by first class mail. These court-approved Notices informed
12 FLSA and California Class members of the their right to comment or object to the maximum
13 amounts contained in the Settlement Agreement for attorneys fees, litigation costs, class
14 representative incentive awards, Labor & Workforce Development Agency payment and
15 settlement administration costs. The Court finds and determines that this notice procedure
16 afforded adequate protections to all class members and was the best notice practicable, which
17 satisfied the requirements of law and due process.

18 2. No California Class Members filed written objections to the proposed settlement
19 as part of this notice process or stated an intent to appear at the final approval hearing. No FLSA
20 Class Members filed written comments to the proposed settlement.

21 3. The Court finds and determines that the Plaintiffs' unopposed request for an award
22 of attorneys' fees of \$1.7 million to be paid to Class Counsel Leonard Carder, LLP is reasonable
23 and is amply supported by record. This amount represents approximately 13.3% of the gross
24 settlement fund and had been shown to be less than the lodestar amount resulting from
25 multiplying the reasonable hours expended by Class Counsel by reasonable market rates, after
26 exercise of reasonable billing judgment. The Court hereby gives final approval to and orders that
27 the payment of that amount be paid out of the Gross Settlement Amount in accordance with the
28 Settlement.

1 4. The Court finds and determines that the Plaintiffs' unopposed request for an award
2 of \$325,000 in litigation expenses to be paid to Class counsel Leonard Carder, LLP is reasonable
3 and is amply supported by the record. This amount is slightly less than the actual amount
4 expended by Class Counsel and represents 2.5% of the gross settlement amount. The Court
5 hereby gives final approval to and orders that the payment of that amount be paid out of the Gross
6 Settlement Amount in accordance with the Settlement.

7 5. The court finds and determines that the Plaintiffs' unopposed request for an award
8 of \$20,000 for each named plaintiff for a class representative incentive award is reasonable in
9 light of the named plaintiffs' individual investment of time, effort, and inconvenience on behalf
10 of the class members, as well as their acceptance of potential risks in this litigation. The total
11 amount of \$100,000 in incentive awards amounts to less than 1% of the gross settlement amount.
12 The Court hereby gives final approval to and orders that the payment of that amount be paid out
13 of the Gross Settlement Amount in accordance with the Settlement.

14 6. The Court finds and determines that payment to the California Labor and
15 Workforce Development Agency of \$20,000 as an appropriate share of the settlement in light of
16 Plaintiffs' claim for civil penalties under Labor Code Section 2699, *et seq.* in this case is fair,
17 reasonable, and appropriate. The Court hereby gives final approval to and orders that the
18 payment of that amount be paid out of the Gross Settlement Amount in accordance with the
19 Settlement.

20 7. The Court finds and determines that CPT Group, Inc.'s fees and expenses of
21 \$16, 235.40, in administering the settlement are fair and reasonable. The Court hereby gives
22 final approval to and orders that the payment of that amount be paid out of the Gross Settlement
23 Amount in accordance with the Settlement.

24 8. Without affecting the finality of this Final Approval Order in any way, the Court
25 retains jurisdiction of all matters relating to the interpretation, administration, implementation,
26 effectuation and enforcement of this order and the Settlement.

1 9. The Parties are hereby ordered to comply with the terms of the Settlement.

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3 Dated: March 10, 2010.

